

Receipt  
#4

CERTIFICATE OF MAILING  
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:

09/05/2001

Date

Steve E. Highlander

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OCT 19 2001

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Shuyuan Zhang  
Capucine Thwin  
Zheng Wu  
Toohyon Cho  
Shawn Gallagher

Group Art Unit: 1648

Examiner: Unknown

Atty. Dkt. No.: INRP:081USD1/SLH

Serial No.: 09/880,609

Filed: June 12, 2001

For: AN IMPROVED METHOD FOR THE  
PRODUCTION AND PURIFICATION OF  
ADENOVIRAL VECTORS

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

A corrected filing receipt is hereby requested in view of the error which appears in the original. For the convenience of the Patent and Trademark Office, attached is a photocopy of the original receipt on which the error has been noted in red.

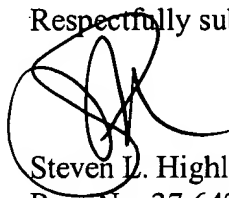
There is an error in the title of the application. Please delete "Method for the production and purification of adenoviral vectors" and insert **-An improved method for the production and purification of adenoviral vectors--**. In support of this requested correction, Applicants

attach hereto a copy of the inventors' Declaration filed April 13, 1999 and a copy of the Request for Filing Divisional Application filed June 12, 2001.

No fee is believed to be due in connection with the filing of this document. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is hereby authorized to deduct said fee from Fulbright & Jaworski Deposit Account No.: 50-1212/10103791/SLH.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "SLH", is written over a circular stamp or seal.

Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: September 5, 2001



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/880,609 ✓	06/12/2001 ✓	1648	355	INRP:081USD1	49	14	1

Steven L. Highlander  
FULBRIGHT & JAWORSKI L.L.  
Suite 2400  
600 Congress Avenue  
Austin, TX 78701



CONFIRMATION NO. 7626

## FILING RECEIPT



\*OC000000006364862\*

Date Mailed: 07/31/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Shuyuan Zhang, Sugar Land, TX; ✓  
Capucine Thwin, Spring, TX; ✓  
Zheng Wu, Sugar Land, TX; ✓  
Toohyon Cho, Residence Not Provided; ✓  
Shawn Gallagher, Missouri City, TX; ✓

## Assignment For Published Patent Application

Introgen Therapeutics, Inc.; ✓

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A DIV OF 09/203,078 12/01/1998 ✓  
WHICH IS A CIP OF 08/975,519 11/20/1997 PAT 6,194,191 \* ✓  
AND CLAIMS BENEFIT OF 60/031,329 11/20/1996 ✓  
(\*) Data inconsistent with PTO records.

## Foreign Applications

If Required, Foreign Filing License Granted 07/11/2001

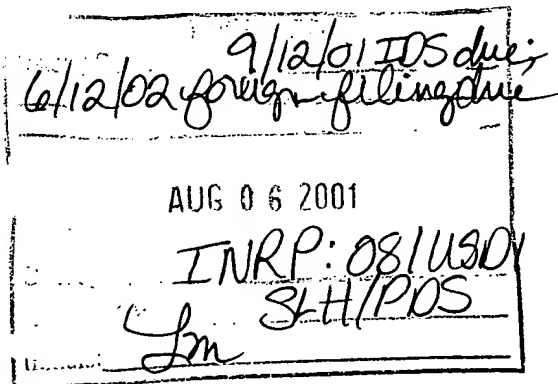
Projected Publication Date: 11/08/2001

Non-Publication Request: No

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Early Publication Request: No

**\*\* SMALL ENTITY \*\***

Title

~~Method for the production and purification of adenoviral vectors~~ ✓

An improved method for the production and purification of adenoviral vectors

Preliminary Class

435

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Data entry by : SEDIQEE, AHMADULLAH

Team : OIPE

Date: 07/31/2001



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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "**a**," "**an**" and "**the**" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "**new**," "**improved**," "**improvements in**" or "**relating to**" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

EL839286116US

**COPY**



CERTIFICATE OF EXPRESS MAIL  
EXPRESS MAIL NO.: EL 839286116 US  
DATE OF DEPOSIT: JUNE 12, 2001

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Atty. Dkt. No.: INRP:081USD1**

**Prior Application Examiner:  
M. MOSHER**

**Classification Designation:**

**Prior Group Art Unit: 1648**

**BOX PATENT APPLICATION**  
Commissioner for Patents  
Washington, D.C. 20231

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**REQUEST FOR FILING DIVISIONAL APPLICATION  
UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a divisional application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 09/203,078 filed December 1, 1998, entitled "AN IMPROVED METHOD FOR THE PRODUCTION AND PURIFICATION OF ADENOVIRAL VECTORS."

- ☒ 1. Enclosed is a copy of the prior application Serial No. 09/203,078 as originally filed, including specification, claims, drawings, and declaration. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or

both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

(a) ☒ The inventorship is the same as prior Application Serial No. 09/203,078.

(b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number \_\_\_\_\_, filed \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119(a)-(e). The certified copy: ☐ is enclosed.

☐ has been filed in the prior Application Serial No. \_\_\_\_\_

☐ 2. The Commissioner is requested to grant Applicant a filing date in accordance with Rule 1.53, and supply Applicant with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).

☒ 3. Enclosed is a check in the amount of \$355.00 to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

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CLAIMS AS FILED IN THE PRIOR APPLICATION  
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$355.00
Total Claims	11 - 20 =	X	\$18.00 =	\$ .00
Independent Claims	2 - 3 =	X	\$80.00 =	\$ .00
Multiple Dependent Claim(s) -----				\$-0-.00

**TOTAL FILING FEES:**

**\$355.00**

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
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- ☒ 4. Applicant is entitled to Small Entity Status for this application.
- ☐ (a) A small entity statement is enclosed.
- ☒ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 5. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Fulbright & Jaworski L.L.P. Account No.: 50-1212/10103791/INRP:081USD1/SLH.
- ☒ 6. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 7. Address all future communications to:
- Steven L. Highlander  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 536-3184
- ☒ 8. The prior application is presently assigned to Introgen Therapeutics, Inc.



- ☐ 9. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 3 above and said fee has been calculated after calculation of claims and after amendment of claims by the preliminary amendment.
- ☒ 10. Cancel in this application claims 1-29 of the prior application before calculating the filing fee. (At least one original independent claim must be retained).
- ☒ 11. Amend the specification by deleting the first paragraph on page 2 of specification and inserting the following paragraph --The present application is a divisional of co-pending application Serial No. 09/203,078 filed December 1, 1998, which was a continuation --in-part of co-pending U.S. Patent Application Serial No. 08/975,519 filed November 29, 1997 which is based on U.S. Provisional Patent Application Serial No. 60/031,329 filed November 20, 1996.--
- ☐ 12. Enclosed are formal drawings.
- ☐ 13. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.
- ☐ 14. Transfer the sequence information, including the computer readable form previously submitted in the parent application, Serial No.            filed            , for use in this application. **Under 37 C.F.R. § 1.821(e), Applicant states that the paper copy of the sequence listing in this application is identical to the computer readable copy in parent application Serial No.            filed            . Under 37 C.F.R. § 1.821(f), Applicant also states that the information recorded in computer readable form is identical to the written sequence listing.**

☐ 15. Other: \_\_\_\_\_.

☒ 16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 536-3184

Date: June 12, 2001